

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	Chapter 7
)	
Eric D. Jordan,)	Case No. 15-73144-wlh
)	
Debtor.)	
_____)	
)	
R. Matthew Wadsworth, individually, and on)	
behalf of Firm Tech, Inc., as putative assignee)	
of Firm Tech, Inc.,)	
)	Adversary Proceeding No. 16-05116
Plaintiff,)	
)	
v.)	
)	
Eric D. Jordan,)	
)	
Defendant.)	
_____)	

REQUEST FOR MEDIATION

COMES NOW Defendant/Debtor Eric D. Jordan (“*Defendant*”), Plaintiff R. Matthew Wadsworth, (“*Plaintiff*”) and Robert Trauner as the Chapter 7 Trustee for the Estate of Firm Tech, Inc. (the “*Trustee*”; together with Defendant and Plaintiff, the “*Parties*”), by and through undersigned counsel, and hereby request that the Court schedule the above-captioned adversary proceeding for mediation. The Parties have engaged in settlement discussions and believe that mediation would assist in resolving this matter as well as related matters which are described further below. The Parties seek to mediate any and all issues that have been or could have been raised in this adversary proceeding.

Requests for mediation are being filed contemporaneously herewith in two related adversary proceedings: 16-5115-wlh, *Plaintiff v. David Neil Boughter, Jr.*, and 16-5117-wlh, *Plaintiff v. Ernesto T. Negron*, and in in the main bankruptcy case of Firm Tech, Inc.,

bankruptcy case number 15-72762-mgd. In the related adversary proceedings, the Parties are seeking the same relief as is being sought herein, and in the Firm Tech case.

The Parties are seeking to mediate any and all issues: (i) arising from and in connection with the *Motion to Approve Compromise, Settlement and Assignment of Claims* [Dkt No. 81] filed in the Firm Tech case; (ii) any and all claims that the bankruptcy estate of Firm Tech or Plaintiff may have against Strategic Integration Partners, LLC (“*SIP*”); and (iii) any and all claims that the Firm Tech estate may possess against the prior officers and directors of Firm Tech. The Trustee asserts that the potential claims as to SIP include the following alleged claims: (a) voidable transfer claims; (b) successor entity claims; (c) conspiracy to commit fraud; (d) conspiracy to commit breach of fiduciary duty; (e) other past and continuing torts against Firm Tech’s estate; (f) punitive damages; and (g) costs of litigation, including attorneys’ fees. The Trustee asserts that the potential claims to be mediated as to the former officers and directors of Firm Tech include the following alleged claims: (a) any and all issues which have been or could be raised in this adversary proceeding or the related adversary proceedings; (b) fraudulent transfer claims; (c) preferential transfer claims; (d) conspiracy to commit fraud; (e) breach of fiduciary duty; (f) conspiracy to commit breach of fiduciary duty; (g) punitive damages; and (h) costs of litigation, including attorneys’ fees. All of the matters to be mediated raise factual and legal issues that are substantially similar and are sufficiently intertwined to make a consolidated mediation the only practical way to resolve all of the issues presented by the cases.

Counsel for Plaintiff, Defendant, Ernesto Negron, David Boughter, the Trustee, and SIP all agree that mediation would be beneficial and request that mediation in the adversary

proceedings and in the Firm Tech bankruptcy case be jointly scheduled and conducted by the same mediator.

The Parties seek herein and in the related mediation motions, to stay the adversary proceedings pending completion of the mediation. Within five (5) business days after the scheduling of mediation, the parties will submit a proposed scheduling order extending the various deadlines in the present matter to reflect the mediation schedule. The parties further agree that any response deadlines for discovery served in this proceeding prior to the filing of this Request for Mediation will be extended and responses will be due thirty (30) days after a status report is filed by any Party advising the Court that mediation was unsuccessful. In the event mediation is not permitted, the Parties agree that the any response deadlines for discovery served in this proceeding prior to the filing of this Request for Mediation will be extended and responses will be due thirty (30) days after the entry of an order denying mediation.

WHEREFORE, the Parties request that the Court enter an order:

1. Granting this Request for Mediation (if available, the Parties request that the Honorable Paul Bonapfel be appointed as mediator);
2. Staying this litigation pending completion of the mediation;
3. Directing the Parties to submit a proposed scheduling order extending the various deadlines to reflect the mediation schedule within five (5) business days after the scheduling of mediation; and
4. Granting such other and further relief as is deemed just and proper.

Respectfully submitted this 13th day of September 2016.

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***Counsel for Robert Trauner, Chapter 7 Trustee of
Firm Tech, Inc.***

CERTIFICATE OF SERVICE

This is to certify that on the 13th day of September 2016, the foregoing **Request for Mediation** has been filed in the above-referenced adversary proceeding, which shall generate an email notice of filing, with a link to this document, sent to all parties that have signed up for ECF notices. In addition, I further certify that a true and correct copy has been furnished to the parties listed below by United States First Class Mail, postage pre-paid.

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